

THURSDAY, APRIL 24, 2003
THIRTY-THIRD LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Pastor Lee Perkins of Westwood Church of Christ in McMinnville, Tennessee, a guest of Senator Cooper.

PLEDGE OF ALLEGIANCE

Senator Cooper led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 2021 by Senators Crutchfield and Atchley.

Bonds and Undertakings, Regulation of -- Revises Convention Center and Tourism Development Financing Act of 1998 to authorize municipality to enter into structured lease agreement under certain conditions. Amends TCA Title 7, Chapter 88.

Senate Bill No. 2022 by Senator Williams.

Luttrell -- Subject to local approval, removes immediate supervisory duties of mayor. Amends Chapter 94 of the Private Acts of 1965.

HOUSE BILL ON FIRST CONSIDERATION

The Speaker announced that the following House Bill was transmitted to the Senate and passed first consideration:

House Bill No. 931 -- Banks and Financial Institutions -- Revises present authority for disclosure of customer information by financial institutions in regard to suspected illegal activity to allow disclosure where financial institution or its representatives believe information may be relevant;

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includes as information that may be disclosed descriptive information and activities in addition to identifying information. Amends TCA Title 45, Chapter 10.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee:

Senate Bill No. 2020 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 312 by Senator Graves.

Memorials, Academic Achievement -- Anne Dorris, Salutatorian, Springfield High School.

Senate Joint Resolution No. 313 by Senator Cohen.

Memorials, Personal Occasion -- Winifred Williamson Doss, 90th birthday.

Senate Joint Resolution No. 314 by Senator Kyle.

Memorials, Academic Achievement -- Cyara Byers, Salutatorian, Trezevant High School.

Senate Joint Resolution No. 315 by Senator Kyle.

Memorials, Academic Achievement -- Shanti Elizabeth Vann, Valedictorian, Trezevant High School.

Senate Joint Resolution No. 316 by Senator Kyle.

Memorials, Academic Achievement -- Ashley Nicole Brown, Salutatorian, Memphis Area Home Education Association.

Senate Joint Resolution No. 317 by Senator Jackson.

Memorials, Academic Achievement -- Daniel Prescott, Valedictorian, McEwen High School.

Senate Joint Resolution No. 318 by Senator Jackson.

Memorials, Academic Achievement -- Trever Tummins, Valedictorian, McEwen High School.

Senate Joint Resolution No. 319 by Senator Jackson.

Memorials, Academic Achievement -- Rachael Schenk, Valedictorian, Giles County High School.

Senate Resolution No. 47 -- Memorials, Death -- Jo Churchwell Patterson.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 303 -- Memorials, Interns -- Jonathan Aaron Taylor.

The Speaker announced that he had referred Senate Joint Resolution No. 303 to Committee on Calendar.

Senate Joint Resolution No. 304 -- Memorials, Academic Achievement -- Keera Johnson,

Salutatorian, Giles County High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 304 to Committee on Calendar.

Senate Joint Resolution No. 306 -- Memorials, Public Service -- AMVETS.

The Speaker announced that he had referred Senate Joint Resolution No. 306 to Committee on Calendar.

Senate Joint Resolution No. 309 -- Memorials, Death -- Alan Albertson Young.

The Speaker announced that he had referred Senate Joint Resolution No. 309 to Committee on Calendar.

Senate Joint Resolution No. 310 -- Memorials, Government Officials -- Requests Carter County Commission to name drive between Hampton High School and its football field which runs from U.S. Highway 19E and First Avenue in Carter County "Rachel Clawson Drive".

The Speaker announced that he had referred Senate Joint Resolution No. 310 to Committee on Transportation.

Senate Joint Resolution No. 311 -- Memorials, Public Service -- Alfred Bell, Knox County Election Commission.

The Speaker announced that he had referred Senate Joint Resolution No. 311 to Committee on Calendar.

Senate Resolution No. 46 -- Memorials, Interns -- Derek Green.

The Speaker announced that he had referred Senate Resolution No. 46 to Committee on Calendar.

NOTICE

Pursuant to Rule 44, notice was given that the following bill was returned from the House of Representatives amended. Under the rule, the bill lies over.

MESSAGE FROM THE HOUSE

April 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 491, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 2016 -- Portland -- Subject to local approval, establishes four-year term of office for city recorder. Amends Chapter 568 of the Private Acts of 1939; as amended.

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On motion, Senate Bill No. 2016 was made to conform with **House Bill No. 2096**.

On motion, House Bill No. 2096, on same subject, was substituted for Senate Bill No. 2016.

Senator Crowe moved that **House Bill No. 2096** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Joint Resolution No. 97 -- General Assembly, Directed Studies -- Requests Council on Pensions and Insurance to study feasibility of instituting deferred retirement option plan for members of the Tennessee consolidated retirement system as retirement option.

House Joint Resolution No. 387 -- Memorials, Academic Achievement -- Meskerem Gebreegziabher, Salutatorian, Antioch High School.

House Joint Resolution No. 388 -- Memorials, Academic Achievement -- Taney Culley, Valedictorian, Antioch High School.

House Joint Resolution No. 389 -- Memorials, Academic Achievement -- Leslie Bunt, Summa Cum Laude, Loretto High School.

House Joint Resolution No. 390 -- Memorials, Personal Occasion -- Mary Hannah Evans Jones, birth.

House Joint Resolution No. 391 -- Memorials, Personal Occasion -- John D. and Betty Treadway, 50th anniversary.

House Joint Resolution No. 392 -- Memorials, Academic Achievement -- Chelsea DeBerry, Salutatorian, Humboldt High School.

House Joint Resolution No. 393 -- Memorials, Academic Achievement -- Tabitha Wendt, Salutatorian, Bradford High School.

House Joint Resolution No. 394 -- Memorials, Academic Achievement -- Clarisa Barnes, Valedictorian, Humboldt High School.

House Joint Resolution No. 395 -- Memorials, Academic Achievement -- Brandon Lanciloti, Valedictorian, Bradford High School.

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House Joint Resolution No. 397 -- Memorials, Professional Achievement -- Mark Odom, President of Tennessee Road Builders Association.

House Joint Resolution No. 398 -- Memorials, Sports -- Chantelle Anderson, Vanderbilt women's basketball team.

House Joint Resolution No. 399 -- Memorials, Sports -- Ashley McElhiney, Vanderbilt women's basketball team.

House Joint Resolution No. 400 -- Memorials, Professional Achievement -- Tracy M. Eubank, Culleoka Unit School Building Level Teacher of the Year.

Senator Crowe moved that all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MOTION

Senator Williams moved that Rule 83(8) be suspended for the purpose of placing **Senate Joint Resolution No. 310** on the calendar for the Committee on Transportation for Wednesday, April 30, 2003, which motion prevailed.

MOTION

Senator Cohen moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 313**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 313 -- Memorials, Personal Occasion -- Winifred Williamson Doss, 90th birthday.

On motion of Senator Cohen, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 313** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Cooper moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 1899** on the calendar for the Committee on Commerce, Labor and Agriculture for Tuesday, April 29, 2003, which motion prevailed.

CALENDAR

Senate Bill No. 172 -- Workers' Compensation -- Clarifies that employer and employee representatives on advisory council on workers' compensation are not required to file state travel forms if they are not seeking reimbursement under state travel rules. Amends TCA Title 13, Chapter 7; Title 38, Chapter 6; Title 50, Chapter 3; Title 50, Chapter 6; Title 50, Chapter 9 and Title 56.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in its entirety all the language following the enacting clause, and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-121, is amended by deleting the section in its entirety and by substituting instead the following language:

(a)(1) There is created an advisory council on workers' compensation. There shall be seven (7) voting members of the council, with three (3) representing employers, three (3) representing employees, and one (1) member, who shall serve as the chair and who shall be the state treasurer or the state treasurer's designee. There shall be seven (7) nonvoting members of the council. All members shall have a demonstrable working knowledge of the workers' compensation system.

(A) The chair shall preside at meetings of the council and, under the general direction of the council, shall supervise the work of the staff of the council. The chair may vote only on matters related to the administration of the council or the council's research. The chair is not permitted to vote on any matter that constitutes the making of a policy recommendation to the Governor or to the General Assembly.

(B) The Speaker of the House of Representatives, the Speaker of the Senate and the Governor shall each appoint one (1) employer and one (1) employee representative to the council, who shall be voting members. Representatives, officers and employees from labor organizations or business trade organizations are eligible for appointment. In making the appointments of the employer representatives, the appointing authorities shall strive to ensure a balance of a commercially insured employer, self-insured employer or an employer who operates a small business. At least one (1) employee representative shall be from organized labor and shall be selected from a list of three (3) names provided by the state labor council of the AFL-CIO.

(C) Voting members shall serve four-year terms and the terms shall be staggered so that the terms of only three (3) voting members shall terminate at the same time. The terms of the voting members who are serving as of June 30, 2003 shall be amended as follows: those members whose terms are scheduled to expire in 2004 shall expire on June 30, 2004 and the successors shall serve a four-year

term to begin on July 1, 2004, and to end on June 30, 2008, and those members whose terms are scheduled to expire in 2006 shall expire on June 30, 2006 and the successors shall serve a four-year term to begin on July 1, 2005, and to expire on June 30, 2010. Thereafter, all four-year terms shall begin on July 1 and terminate on June 30, four (4) years thereafter.

(D) The Governor shall also appoint seven (7) nonvoting members of the council as follows: one (1) to represent local governments, one (1) to represent insurance companies, two (2) to represent health care providers and three (3) attorneys. The nonvoting local government representative shall be appointed from a list of three (3) names submitted jointly by the Tennessee Municipal League and the Tennessee County Services Association. The Tennessee Municipal League and the Tennessee County Services Association may alternate recommendations between municipal and county representatives. The nonvoting insurance company representative shall be appointed from either a list of three (3) names submitted by the Alliance of American Insurers or a list of three (3) names submitted by the American Insurance Association. One nonvoting health care provider representative shall be appointed from a list of three (3) names submitted by the Tennessee Medical Association and one nonvoting healthcare provider representative shall be appointed from a list of three (3) names submitted by the Tennessee Hospital Association. The nonvoting attorney members shall be appointed as follows: one (1) from a list of three (3) names submitted by the Tennessee Trial Lawyers Association, who shall primarily represent injured workers' compensation claimants; one (1) from a list of three (3) names submitted by the Tennessee Defense Lawyers Association, who shall primarily represent employers or workers' compensation insurers; and one (1) from a list of three (3) names submitted by the Tennessee Bar Association.

(E) Beginning with the appointments made in calendar year 2003, the nonvoting members appointed by the Governor shall serve the following terms: the local government representative, the health care representative selected from a list submitted by the Tennessee Medical Association, and the attorney selected from the list submitted by the Tennessee Bar Association shall serve from the date of appointment until June 30, 2005; the insurance company representative, the health care representative selected from the list submitted by the Tennessee Hospital Association, the attorney selected from the list submitted by the Tennessee Trial Lawyers Association, and the attorney selected from the list submitted by the Tennessee Defense Lawyers Association shall serve from the date of appointment until June 30, 2007. Thereafter, the nonvoting members shall be appointed to four-year terms that shall begin on July 1 and terminate on June 30, four (4) years thereafter.

(F) The chair and vice-chair of the special joint committee on workers' compensation, the Commissioners of Labor and Workforce

Development and Commerce and Insurance or their designees, shall be ex officio, nonvoting members of the council.

(2) Each voting and nonvoting member of the advisory council on workers' compensation shall, upon the expiration of such member's term, be eligible for reappointment and shall serve until a successor is appointed. In the event a member resigns or becomes ineligible for service during such member's term, a successor shall be appointed by the appropriate appointing authority to serve the remainder of the term.

(3) No employer shall discriminate in any manner against an employee who serves on the advisory council because of such service. Employees who serve on the advisory council shall not be denied any benefit from their employer because of such service. Travel expenses of the employee representatives on the council shall be reimbursed pursuant to subsection (b); however, employers may choose to pay the travel expenses of their employees' service on the advisory council according to their own policies.

(b) Members of the council shall not be paid but may be reimbursed for travel expenses. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations promulgated by the Department of Finance and Administration and approved by the attorney general and reporter.

(c) The council shall meet at least twice each year. It shall annually review workers' compensation in Tennessee and shall issue a report of its findings and conclusions on or before July 1 of each year. The annual report shall be sent to the Governor, the Speakers of the House and Senate, the chair and vice-chair of the special joint committee on workers' compensation, the Commissioner of Labor and Workforce Development, the Commissioner of Commerce and Insurance and the clerks of the House and Senate. Notice of the publication of the annual report and all other reports published by the council shall be provided to all members of the General Assembly pursuant to § 3-1-114.

(d) In performing its responsibilities, the council's role shall be strictly advisory, but it may:

(1) Make recommendations to the Governor, the General Assembly, the special joint committee on workers' compensation, the standing committees of each house that review the status of the workers' compensation system, the Commissioner of Labor and Workforce Development and the Commissioner of Commerce and Insurance relating to the promulgation or adoption of legislation or rules;

(2) Make recommendations to the Commissioner of Labor and Workforce Development and the Commissioner of Commerce and Insurance regarding the method and form of statistical data collections; and

(3) Monitor the performance of the workers' compensation system in the implementation of legislative directives.

(e) The council is authorized to retain staff and professional assistance, such as consultants and actuaries, subject to budgetary approval in the General Appropriations Act. For administrative purposes, the council shall be attached to the Department of Labor and Workforce Development for all administrative matters relating to receipts, disbursements, expense accounts, budget, audit and other related items. The autonomy of the council and its authority are not affected hereby and the Commissioner of Labor and Workforce Development shall have no administrative or supervisory control over the council or its employees. Employees of the council shall not have the status of career service employees pursuant to Title 8.

(f) The council shall develop evaluations, statistical reports and other information from which the General Assembly may evaluate the impact of the legislative changes to the workers' compensation law, including, but not limited to the Reform Acts of 1992 and 1996 and subsequent changes to the workers' compensation system.

(g) Within its annual report to the General Assembly, the council shall report on activities and outcomes related to the Workers' Compensation Fraud Act, compiled in Title 56, Chapter 47. The Department of Commerce and Insurance, Department of Labor and Workforce Development, Tennessee Bureau of Investigation and the district attorneys general conference shall cooperate with the council in the development of information for inclusion in such report.

SECTION 2. Tennessee Code Annotated, Section 50-6-204(a)(4)(B), is amended by adding the following language at the end of the subdivision:

The provisions of this subdivision shall sunset as of June 30, 2005.

SECTION 3. Tennessee Code Annotated, Section 50-6-244(b), is amended by deleting the subsection in its entirety and substituting instead the following language:

(b)(1) A statistical data form shall be filed for every workers' compensation matter that is concluded by settlement, whether approved by a court or the Department of Labor and Workforce Development. A statistical data form shall be filed for every workers' compensation matter that is concluded by a trial so that the form reflects the trial court's ruling and information that is current as of the date the trial order is submitted to the court for approval, whether or not an appeal of the matter is anticipated or filed. A statistical data form shall be either typed or completed by computer using a form available on the website of the division of workers' compensation.

(2) A statistical data form is not required to be filed in cases that involve reconsideration of a prior settlement or trial judgment order for which a statistical data form was filed at the time of submission of the prior order. A statistical data form is not required to be filed if the only issue resolved by an order is the closing of future medical benefits that remained open pursuant to a prior order for which a statistical data form was filed at the time of submission of the prior order.

(3) In cases involving a workers' compensation settlement that is approved by a court, the completed statistical data form shall be filed at the

same time as the order approving the settlement is filed and shall be filed with the clerk of the court in which the settlement order is filed. A clerk of the court shall not accept a settlement order for filing unless it is accompanied by a fully completed statistical data form.

(4) In cases involving a workers' compensation case that is resolved by trial, the completed statistical data form shall be filed at the same time as the final order is submitted to the trial court for approval and shall be filed with the clerk of the court in which the matter was tried. A clerk of the court shall not accept a trial order for filing unless it is accompanied by a fully completed statistical data form.

(5) A settlement order of a court in a workers' compensation matter is not final until the statistical data form required by this section is fully completed and filed with the appropriate clerk of the court.

(6) A workers' compensation trial order is not final until the statistical data form required by this section is fully completed and filed with the appropriate clerk of the court. In the event of an appeal of a workers' compensation trial verdict to the Supreme Court of Tennessee, this section shall neither abrogate nor supercede the Rules of Appellate Procedure regarding the computation of the time for the proper filing of a notice of appeal. The information submitted in the statistical data form shall not be admissible on appeal for any purpose.

SECTION 4. Tennessee Code Annotated, Section 50-6-244(e), is amended by adding the following language at the end of the subsection:

If the Commissioner of Labor and Workforce Development, or the commissioner's designee, determines a statistical data form has not been fully completed or determines a statistical data form has not been filed in a matter in which it was required, then the commissioner or the commissioner's designee may assess a monetary penalty in the amount of five hundred dollars (\$500) for each form that is not fully completed or filed as required against the insurance company for the employer or against the employer, if self-insured. No monetary penalty shall be assessed due solely to the failure of the employee to sign the statistical data form. An insurance company or self-insured employer assessed a monetary penalty by the commissioner or the commissioner's designee pursuant to this subsection shall have the right to appeal the penalty pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. The Commissioner of Labor and Workforce Development, or an agency member appointed by the commissioner, shall have the authority to hear as a contested case an administrative appeal of any monetary penalty assessed pursuant to this subsection.

SECTION 5. Tennessee Code Annotated, Section 50-6-402(b), is amended by deleting the phrase "advisory prospective loss cost filing" from the first sentence of such subsection and substituting instead the phrase "workers' compensation loss cost filing made by the designated rate service organization".

SECTION 6. Tennessee Code Annotated, Section 50-6-402, is amended by adding the following language as new subsections (c) and (d):

(c) Prior to the Commissioner of Commerce and Insurance establishing the multiplier to be applied to the assigned risk plan, as provided in § 56-5-314(c), the commissioner shall provide notice of the intended action, including supporting rationale therefor, to the advisory council on workers' compensation. The council may, within fifteen (15) days of receipt of such notice, provide written comment and recommendation to the commissioner related to the intended action. After said fifteen-day period has expired the commissioner shall establish the multiplier, by order, as provided in § 56-5-314(c).

(d) The Commissioner of Commerce and Insurance shall report quarterly, beginning with the third quarter of 2003, to the advisory council on workers' compensation concerning all workers' compensation filings made by the designated rate service organization received by the Department of Commerce and Insurance that were not referred to the council as set out in subsection (b) since the last report.

SECTION 7. Tennessee Code Annotated, Section 50-6-405(a)(2), is amended by deleting the subdivision in its entirety, and by substituting instead the following language:

(2) Possess a valid certificate of authority from the Commissioner of Commerce and Insurance by furnishing satisfactory proof of such employer's financial ability to pay all claims that may arise against such employer under this chapter and guarantee the payment of the same in the amount and manner and when due as provided for in this chapter.

SECTION 8. Tennessee Code Annotated, Section 50-6-405(b), is amended by deleting the subsection in its entirety and substituting instead the following language:

(b) If the employer elects to proceed under subdivision (a)(2), the Commissioner of Commerce and Insurance shall require the applicant to pay a nonrefundable application fee of five hundred dollars (\$500) and file and maintain with the Department of Commerce and Insurance the following:

(1) A deposit of acceptable negotiable securities with a market value of not less than one hundred twenty-five thousand dollars (\$125,000) or a bond in the same amount. The securities or bond shall be held by the Commissioner of Commerce and Insurance and be conditioned to run directly for the benefit of the employees subject to the Workers' Compensation Law and may be enforced by them directly in an action in their name. All indemnity bonds filed under this provision of law must be issued by an insurance company authorized to do business in Tennessee and must contain a provision requiring the issuer to give the Commissioner of Commerce and Insurance thirty (30) days' written notice of intention to revoke or cancel such bond; and

(2) Evidence of the employer's financial ability to pay all claims that may arise against the employer in the form of an annual certified financial statement, including a statement of assets and liabilities and a statement of profit and loss, to be filed no later than sixty (60) days after the company's immediately preceding fiscal year. Such financial statements are to include a detailed accounting for reserves for losses outstanding incurred in connection with workers' compensation self-insurance. Such financial statement shall be

kept confidential by the Commissioner of Commerce and Insurance and shall not be construed to be a public record pursuant to Title 10, Chapter 7.

(3) Whenever an employer has complied with the provisions of § 50-6-405(a)(2) and § 50-6-405(b)(1) and (2), the Commissioner of Commerce and Insurance, or the Commissioner of Commerce and Insurance's designee, shall issue to the employer a certificate of authority allowing the employer to self-insure under this provision. Notice of this authorization shall be sent to the Commissioner of Labor and Workforce Development.

(4) Upon failure by the authorized self-insured employer to furnish the Commissioner of Commerce and Insurance the requirements delineated in § 50-6-405(a)(2) and § 50-6-405(b)(1) and (2), the Commissioner of Commerce and Insurance, or the Commissioner of Commerce and Insurance's designee, may, upon thirty (30) days' written notice and an opportunity for a hearing, revoke the certificate authorizing the employer to self-insure granted under this provision. The Commissioner of Commerce and Insurance may, without prior notice and upon reasonable grounds, suspend an authorized self-insurer's certificate before a hearing is commenced. All hearings conducted under this subsection shall comply with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(5) A hearing under this provision shall be requested in writing by the self-insured employer within fifteen (15) days of receiving written notification from the Commissioner of Commerce and Insurance, or the Commissioner of Commerce and Insurance's designee. In any proceeding in which the self-insured employer's certificate of authority is revoked, the self-insured employer shall pay all costs associated with the proceeding.

(6) The Commissioner of Commerce and Insurance, or the Commissioner of Commerce and Insurance's designee, shall immediately notify the Commissioner of Labor and Workforce Development of any decision to suspend or revoke a certificate authorizing an employer to self-insure.

SECTION 9. Tennessee Code Annotated, Section 50-6-405(e), is amended by deleting the punctuation and language ", and upon default thereof, such commissioner shall so advise the Commissioner of Labor and Workforce Development" at the end of the subsection.

SECTION 10. Tennessee Code Annotated, Section 50-6-407, is amended by deleting the section in its entirety and by substituting instead the following language:

Every individual, firm, association, or corporation using the services of one (1) or more persons for pay shall post and maintain in a conspicuous place on the business premises a printed notice regarding workers' compensation as prescribed by the Commissioner of Labor and Workforce Development. The notice shall include, at a minimum, a general description of the duties and obligations of both the employer and the employee under such law; the name, address and telephone number of the individual to notify in the event of a work-related injury; a toll-free number and address for the Department of Labor and Workforce Development at which employers or employees may obtain additional information; and the name,

address and telephone number of a representative of the employer who can confirm whether such individual, firm, association, or corporation is subject to the Tennessee Workers' Compensation Law; and such other information as may be required through rules promulgated by the Commissioner of Labor and Workforce Development.

SECTION 11. Tennessee Code Annotated, Section 13-7-117, is amended by deleting the section and its catch line in their entirety and by substituting instead the following language:

13-7-117. (a) No building permit shall be issued until the county building commissioner receives a copy of either a certificate of insurance or a workers' compensation policy as evidence of the existence of workers' compensation insurance.

(b) The county building commissioner shall keep on file such copy of either the certificate of insurance or the workers' compensation policy for the life of the permit. After the building permit has expired, the county building commissioner shall return by mail the copy of the certificate of insurance or of the workers' compensation policy within ten (10) working days to the person who obtained the permit.

(c)(1) The provisions of this section do not apply to those persons who are not required by Title 50, Chapter 6, to obtain workers' compensation coverage, to any person who performs work on such person's own property in such person's own county of residence, or to any person who directly supervises work on such person's own property in such person's own county of residence.

(2) Persons not required to present evidence of compliance with the provisions of §§50-6-405 and 50-6-406 pursuant to this subsection shall present or sign an affidavit which attests to their exemption from the provisions of this section. A person authorized to issue building permits who issues a building permit to a person exempted from the provisions of this section shall keep on file for the life of the permit such affidavit of exemption.

(d) A person authorized to issue building permits, who in good faith accepts an affidavit of exemption, a copy of a certificate of insurance, or a copy of a workers' compensation policy shall not be liable in any criminal or civil action alleging the person obtaining the building permit was subject to the provisions of §§50-6-405 and 50-6-406 and such person did not in fact have workers' compensation coverage. Compliance with the provisions of this section shall be a rebuttable presumption that the person authorized to issue building permits acted in good faith.

(e) A violation of this section is a Class C misdemeanor.

SECTION 12. Tennessee Code Annotated, Section 13-7-211, is amended by deleting the section and the catch line in their entirety and by substituting instead the following language:

13-7-211. (a) No building permit shall be issued until the municipal office which issues such permits receives a copy of either a certificate of insurance or a

workers' compensation policy as evidence of the existence of workers' compensation insurance.

(b) The municipal office shall keep on file such copy of either the certificate of insurance or of the workers' compensation policy for the life of the permit. After the building permit has expired, the municipal office shall return by mail the copy of the certificate of insurance or the workers' compensation policy within ten (10) working days to the person who obtained the permit.

(c)(1) The provisions of this section do not apply to those persons who are not required by Title 50, Chapter 6, to obtain workers' compensation coverage, to any person who performs work on such person's own property in such person's own county of residence, or to any person who directly supervises work on such person's own property in such person's own county of residence.

(2) Persons not required to present evidence of compliance with the provisions of §§50-6-405 and 50-6-406 pursuant to this subsection shall present or sign an affidavit which attests to their exemption from the provisions of this section. A person authorized to issue building permits who issues a building permit to a person exempted from the provisions of this section shall keep on file for the life of the permit such affidavit of exemption.

(d) A person authorized to issue building permits, who in good faith accepts an affidavit of exemption, a copy of the certificate of insurance, or a copy of the workers' compensation policy, shall not be liable in any criminal or civil action alleging the person obtaining the building permit was subject to the provisions of §§50-6-405 and 50-6-406 and such person did not in fact have workers' compensation coverage. Compliance with the provisions of this section shall be a rebuttable presumption that the person authorized to issue building permits acted in good faith.

(e) A violation of this section is a Class C misdemeanor.

SECTION 13. Tennessee Code Annotated, Section 50-6-405(c) (1), is amended by deleting the phrase "as provided in subdivision (a)(2)" at the end of the first sentence.

SECTION 14. Tennessee Code Annotated, Title 56, Chapter 5, Part 3, is amended by adding the following language as a new, appropriately designated section:

Section 56-5-323. A workers' compensation insurer shall, within thirty (30) days after receipt of a written request from an insured or the insured's designee, furnish to that insured or insured's designee a copy of the insured's prior three (3) year loss run history for workers' compensation insurance, or complete loss run history with such insurer if the history is less than three (3) years. If the insurer fails to furnish the requested information within the time allowed herein, such failure shall be a violation under the Unfair Competition and Deceptive Acts, codified as Title 56, Chapter 8, Part 1, and the requestor may seek enforcement and any remedies allowed pursuant to such chapter.

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SECTION 15. This act shall take effect upon becoming a law, the public welfare requiring it, except that Sections 7, 8, 9, 10, 13 and 14 shall become effective on July 1, 2003, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 172**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 427 -- Courts, General Sessions -- Provides that if county moves into higher population classification based upon subsequent census, salary of general sessions judge of county shall be determined by salary of higher classification for remainder of term but shall be no less than present salary. Amends TCA Section 16-15-5001(d)(2).

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-15-5001(d)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) If a county is in one class as provided in this section on September 1 of the year in which a judge is elected to office and after such date such county moves into a higher class on the basis of a subsequent census, then the salary of such judge shall be determined by the higher classification for the remainder of the term for which the judge was elected and for subsequent terms of office; provided, however, the provisions of this subdivision shall not be implemented in any manner that either increases or diminishes the compensation received by the judge during the time for which the judge was elected.

On motion, the amendment was adopted.

Senator Person moved that **Senate Bill No. 427**, as amended, be moved five places down on the calendar for today, which motion prevailed.

Senator Clabough moved that **Senate Bill No. 496** be placed at the heel of the calendar, which motion prevailed.

Senate Bill No. 563 -- Workers' Compensation -- Expands factors permitting extra-territorial application of Tennessee Workers' Compensation Law to include substantial connection between Tennessee and particular employer and employee relationship. Amends TCA Title 50, Chapter 6.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in its entirety the amendatory language of Section 1, and by substituting instead the following language:

(3) If at the time of the injury the injured worker was a Tennessee resident and there existed a substantial connection between this state and the particular employer and employee relationship.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 563**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 735 -- Judges and Chancellors -- Makes technical corrections to reflect change from "Code of Professional Responsibility" to "Tennessee Rules of Professional Conduct" governing professional conduct of lawyers and judges. Amends TCA Title 17, Chapter 5; Title 23, Chapter 3; Title 40, Chapter 30 and Title 50, Chapter 6.

On motion, Senate Bill No. 735 was made to conform with **House Bill No. 570**.

On motion, House Bill No. 570, on same subject, was substituted for Senate Bill No. 735.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the words "Tennessee Supreme Court Rule 8, Rule 1.5" in the third line of Section 4 of the printed bill and by substituting instead "Tennessee Supreme Court Rule 8, RPC 1.5".

On motion, the amendment was adopted.

Thereupon, **House Bill No. 570**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kelton, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 785 -- Courts, Municipal -- Imposes moratorium on creation of new municipal courts either by General Assembly or home rule municipalities until such time as committee appointed by judicial council studies matter, makes recommendations to General Assembly and General Assembly has had one session to consider recommendations. Amends TCA Title 6 and Title 16, Chapter 17, Part 1.

On motion, Senate Bill No. 785 was made to conform with **House Bill No. 572**.

On motion, House Bill No. 572, on same subject, was substituted for Senate Bill No. 785.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the caption and by substituting instead the following:

WHEREAS, there has been a proliferation of municipal courts with concurrent general sessions court jurisdiction created in the State of Tennessee; and

WHEREAS, this has had an adverse effect on the various courts of general sessions in the State; and

WHEREAS, the creation of such additional courts creates a burden on taxpayers of the several counties by increasing costs of the judicial system; and

WHEREAS, recognizing these problems, the state of Tennessee Judicial Council has created a study committee to study the issue of municipal courts generally and make recommendations back to the Judicial Council; and

WHEREAS, it is advisable that the situation regarding the proliferation of municipal courts with concurrent general sessions court jurisdiction not worsen while this issue is being examined; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) Notwithstanding any other provision of the law to the contrary, the General Assembly shall not, by general law, private act or amendment to a municipal charter, allow or provide for the creation of a municipal court with concurrent general sessions

court jurisdiction until such time as the Tennessee judicial council, having heard the report of the committee it created to examine the issue of the proliferation of municipal courts in Tennessee, has made a recommendation to the General Assembly and the General Assembly has had until the adjournment of the first session of the 103rd General Assembly to consider the issue. During the second session of the 103rd General Assembly, and thereafter, any legislation on the subject of municipal courts with concurrent general sessions court jurisdiction may be considered and enacted.

(b) Further, there is a moratorium for the same time period on the creation of a municipal court with concurrent general sessions court jurisdiction by any municipality currently authorized to create such court and that has not done so prior to January 1, 2003.

SECTION 2. Tennessee Code Annotated, Section 16-17-101, is amended by adding the following as a new, appropriately designated subsection:

(c) Notwithstanding the provisions of this section or any other provision of the law to the contrary, no municipality shall create a municipal court with concurrent general sessions court jurisdiction from the effective date of this act until such time as the Tennessee judicial council, having heard the report of the committee it created to examine the issue of the proliferation of municipal courts in Tennessee, has made a recommendation to the General Assembly and the General Assembly has had until the adjournment of the first session of the 103rd General Assembly to consider the issue and determine whether any legislative changes are necessary. During the second session of the 103rd General Assembly, and thereafter, any legislation on the subject of municipal courts with concurrent general sessions court jurisdiction may be considered and enacted.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Graves moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

AMEND at the appropriately designated section add:

Must report by February 1st, 2004.

Pursuant to Rule 39(3), Amendment No. 1 to Amendment No. 1 was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

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On motion, Amendment No. 1, as amended, was adopted.

Thereupon, **House Bill No. 572**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

NOTICE

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to return House Bill No. 1428, as requested.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Atchley moved that the rules be suspended for the immediate consideration of **House Bill No. 1428**, out of order, which motion prevailed.

Senator Atchley moved to take from the table a motion to reconsider on **House Bill No. 1428**, which motion prevailed.

Senator Atchley moved that the Senate reconsider its action in passing House Bill No. 1428, which motion prevailed.

House Bill No. 1428 -- Libraries -- Subject to local approval, provides that in Knox County county executive shall exercise supervisory authority over public library system and county library board shall act solely in advisory capacity. Amends TCA Section 10-3-103.

Senator Atchley moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 in its entirety, and by substituting instead the following language:

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall be null and void and cease to have any effect on April 30, 2006.

On motion, the amendment was adopted by the following vote:

Ayes 31
Noes 0

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Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

Thereupon, **House Bill No. 1428**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 940 -- Taxes, Sales -- Authorizes sales taxes collected in new stadium to be dedicated to retiring bonds used to construct such stadium. Amends TCA Section 67-6-103.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following new language at the end of Section 1 of the printed bill:

Notwithstanding any provision of this act to the contrary, no portion of the revenue derived from the increase in the rate of sales and use tax allocated to educational purposes pursuant to Section 9 of Chapter 529 of the Public Acts of 1992, and no portion of the revenue derived from the increase in the rate of sales and use tax from six percent (6%) to seven percent (7%) contained in Section 4 of Chapter 856 of the Public Acts of 2002, shall be distributed to the municipality. All such revenue shall continue to be allocated as provided in Chapter 529 of the Public Acts of 1992, and Chapter 856 of the Public Acts of 2002, respectively.

On motion, the amendment was adopted.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Person as Speaker pro tempore.

Thereupon, **Senate Bill No. 940**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	1
Present, not voting . . .	1

THURSDAY, APRIL 24, 2003 – 33RD LEGISLATIVE DAY

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

Senator voting no was: Beavers--1.

Senator present and not voting was: Herron--1.

A motion to reconsider was tabled.

Senator Cooper moved that **Senate Bill No. 427** be placed on the calendar for Wednesday, April 30, 2003, which motion prevailed.

Senate Bill No. 1582 -- Unclaimed Property -- Sets new time period when treasurer may sell certain types of abandoned property; establishes procedure for sale of marketable securities; limits amount of claim to sales price when claim is made subsequent to property's sale. Amends TCA Sections 66-29-113, 66-29-119 and 66-29-123(c).

On motion, Senate Bill No. 1582 was made to conform with **House Bill No. 1945**.

On motion, House Bill No. 1945, on same subject, was substituted for Senate Bill No. 1582.

Thereupon, **House Bill No. 1945** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 1744 -- Juvenile Offenders -- Strengthens procedures for notifying school principals of enrollment of students who have been convicted of serious criminal offenses. Amends TCA Title 37, Chapter 1, Part 1 and Title 49, Chapter 6, Part 30.

Senator Norris moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-140, is amended by adding the following language at the end of the present section:

A custodian is also responsible for providing notices as required in Tennessee Code Annotated, Section 49-6-3051, to the principal of the school in which the child is enrolled.

SECTION 2. Tennessee Code Annotated, Section 37-1-153, is amended by adding a new subsection as follows:

(e) Notwithstanding other provisions of this section, where notice is required under § 49-6-3051, an abstract of the appropriate adjudication contained in the court file or record shall be made and provided to the parent, guardian, or other custodian of the juvenile, including the department, and this abstract shall be presented to the school in which the juvenile is, or may be, enrolled, in compliance with Section 49-6-3051.

SECTION 3. Tennessee Code Annotated, Section 37-1-154, is amended by adding a new subsection as follows:

(e) Notwithstanding other provisions of this section, where notice is required under 49-6-3051, an abstract of the appropriate adjudication's contained in the court file or record shall be made and provided to the parent, guardian, or other custodian of the juvenile, including the department, and this abstract shall be presented to the school in which the juvenile is, or may be, enrolled, in compliance with Section 49-6-3051.

SECTION 4. Tennessee Code Annotated, Section 49-6-3051, is amended by deleting the language "parents or guardians of such student shall notify in writing the school principal of the nature of the offense" and substituting instead the language "parents, guardians, or custodians, including the Department of Children's Services acting in any capacity, shall provide to the school principal the abstract provided for under Section 37-1-153 or 37-1-154, or other similar written information".

SECTION 5. Tennessee Code Annotated, Section 37-1-131(a)(2), is amended by deleting the language "the court shall make a finding of whether or not the principal of the child's school shall be notified. If the court orders notification, the court shall enter an order" and substituting instead the language "the court shall make a finding that the principal of the child's school shall be notified. The court shall then enter an order".

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1744**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson,

THURSDAY, APRIL 24, 2003 – 33RD LEGISLATIVE DAY

Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 1753 -- Revenue, Dept. of -- Extends certain authority to Commissioner of Revenue for purpose of contracting for collection of unpaid taxes and related amounts. Amends TCA Title 67, Chapter 1 and Title 67, Chapter 5.

On motion, Senate Bill No. 1753 was made to conform with **House Bill No. 1808**.

On motion, House Bill No. 1808, on same subject, was substituted for Senate Bill No. 1753.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by redesignating Section 2 of the printed bill to be Section 3, and by adding the following new Section 2:

SECTION 2. Tennessee Code Annotated, Section 67-1-1445, is further amended by adding the following new subsection:

(e) The provisions of this section shall only apply after the department has completed all administrative notices and actions under this part and the taxpayer has exhausted or not exercised the taxpayer's rights under Part 18 of this chapter.

On motion, the amendment was adopted.

Thereupon, **House Bill No. 1808**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senator Herron moved that **Senate Bill No. 1854** be placed on the calendar for Monday, May 5, 2003, which motion prevailed.

Senate Bill No. 1862 -- Motor Vehicles, Titling and Registration -- Revises requirements for county of vehicle registration; requires county clerks to make reasonable inquiry into owner's residence or address. Amends TCA Title 55.

Senator Williams moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-105, is amended in subsection (a) by designating the existing language as subdivision (1) and adding the following language as a new subdivision (2):

(2) The office of county clerk may make inquiry into an owner including, but not limited to, review of driver records for the purpose of establishing an owner's residence or address, before issuing a renewal of registration or a tab, sticker or other device as a prerequisite to payment of wheel or road taxes. Upon request of the office of the county clerk, the department shall provide a current list of the names, drivers' license numbers and addresses of drivers from the requesting county.

SECTION 2. Tennessee Code Annotated, Section 55-4-105(e)(3)(A), is amended by deleting such subdivision in its entirety and by substituting instead the following:

(A) If a county wheel tax or like local fee is due and owing to such local government for the use of the vehicle, the owner or operator shall, upon conviction, be punished in accordance with a Class B misdemeanor and subject to the fine only.

SECTION 3. This act shall take effect July 1, 2003, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1862**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 1890 -- Special License Plates -- Authorizes issuance of new specialty earmarked license plates to honor state's nurses; allocates 50 percent of funds derived from sale thereof to Nurses for a Healthy Tennessee. Amends TCA Title 55, Chapter 4.

Senator Williams moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Nurses;

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

Section 55-4-2___. (a) Owners or lessees of motor vehicles who are residents of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Nurses new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The purpose of the new specialty earmarked license plates provided for in this section is to honor the many contributions of Tennessee's nurses in protecting and maintaining the public health and welfare. Such plates shall be designed in consultation with the Tennessee Nurses Foundation.

(c) The funds produced from the sale of such plates shall be allocated to the Tennessee Nurses Foundation in accordance with the provisions of § 55-4-215. Such funds shall be used exclusively to benefit the programs of the Tennessee Nurses Foundation.

SECTION 3. This act shall take effect July 1, 2003, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1890**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 1905 -- Workers' Compensation -- Requires officers serving process in workers' compensation cases to be paid same as sheriffs and constables; requires bonuses routinely given to employees be considered in determining average weekly wages. Amends TCA Title 50, Chapter 6.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-207, is amended by deleting in the first sentence of subdivision (2) the language "between the wage" and by substituting instead the language "between the average weekly wage".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1905**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 1597 -- Sports -- Enacts "Intercollegiate Athletic Fair Play Act of 2003". Amends TCA Title 49.

Senator Graves moved that Amendment No. 1 be placed behind Amendment No. 3, which motion prevailed.

Senator McNally moved that Amendment No. 2 be placed behind Amendment No. 3, which motion prevailed.

Senator Graves moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-4-802, is amended by deleting the language "to approximate its value in 1981 constant dollars and".

SECTION 2. Tennessee Code Annotated, Section 49-4-804, is amended by deleting the section in its entirety, and by substituting instead the following language:

The amount of the maximum grant for students enrolled at the eligible institutions of higher learning shall be determined by guidelines established by the Tennessee student assistance corporation.

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SECTION 3. Tennessee Code Annotated, Section 49-4-805, is amended by deleting the section in its entirety.

SECTION 4 This act shall take effect December 31, 2003, the public welfare requiring it.

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

Senator Graves moved that Amendment No. 1 be withdrawn, which motion prevailed.

Senator McNally moved that Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, **Senate Bill No. 1597**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 496 -- Banks and Financial Institutions -- Revises present authority for disclosure of customer information by financial institutions in regard to suspected illegal activity to allow disclosure where financial institution or its representatives believe information may be relevant; includes as information that may be disclosed descriptive information and activities in addition to identifying information. Amends TCA Title 45, Chapter 10.

On motion, Senate Bill No. 496 was made to conform with **House Bill No. 931**.

On motion, House Bill No. 931, on same subject, was substituted for Senate Bill No. 496.

Senator Cooper moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 931** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

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Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

NOTICE

Pursuant to Rule 44, notice was given that the following bill was returned from the House of Representatives amended. Under the rule, the bill lies over.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1978, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Cooper moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 1686** on the calendar for the Committee on Commerce, Labor and Agriculture for Tuesday, April 29, 2003, which motion prevailed.

MOTION

Senator Crutchfield moved that the Proposed Schedule for the week of April 28, 2003, be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

**TENNESSEE STATE SENATE
103rd GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF APRIL 28, 2003**

MONDAY – April 28

5:00 p.m.

Session – Senate Chamber

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TUESDAY – April 29

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. – 12:30 p.m.	State & Local Government Committee
12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:30 p.m.	Judiciary Committee

WEDNESDAY – April 30

8:00 a.m. – 9:00 a.m.	Government Operations Committee
9:00 a.m. – 11:00 a.m.	General Welfare, Health & Human Resources
11:00 a.m. – 12:00 noon	Rules Committee
12:00 noon – 12:30 p.m.	Lunch
12:30 p.m. – 1:30 p.m.	Transportation Committee
1:30 p.m. – 2:30 p.m.	Government Operations Committee
2:30 p.m.	Senate Caucuses
3:00 p.m.	Session – Senate Chamber

THURSDAY – MAY 1

NO SENATE SESSION

NOTE: The Environment, Conservation & Tourism Committee has finished its business and will meet again only at the call of the chair.

The Education Committee will not meet this week.

MOTION

On motion of Senator Kurita, her name was added as sponsor of **House Joint Resolutions Nos. 397, 398 and 399.**

On motion of Senator McLeary, his name was added as sponsor of **House Joint Resolutions Nos. 391, 392, 393, 394 and 395.**

On motion of Senator Haynes, his name was added as sponsor of **House Joint Resolutions Nos. 387, 388, 398 and 399.**

On motion, all Senators' names were added as sponsors of **House Joint Resolution No. 390.**

On motion of Senator Herron, his name was added as sponsor of **House Joint Resolutions Nos. 398 and 399.**

On motion of Senator Ketron, his name was added as sponsor of **House Joint Resolution No. 400.**

On motion of Senator Williams, his name was added as sponsor of **House Joint Resolution No. 397.**

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On motion of Senator Harper, her name was added as sponsor of **House Joint Resolutions Nos. 97, 387, 388, 398 and 399.**

On motion of Senators Burks and McNally, their names were added as sponsors of **Senate Bill No. 429.**

On motion of Senators Burchett, Norris, Burks and McLeary, their names were added as sponsors of **Senate Bill No. 1744.**

On motion, all Senators' names were added as sponsors of **Senate Bill No. 1890.**

On motion of Senators McLeary and Trail, their names were added as sponsors of **Senate Bill No. 1597.**

On motion of Senator Graves, her name was added as sponsor of **House Bill No. 931.**

On motion of Senator Crowe, his name was added as sponsor of **Senate Bill No. 1288.**

On motion of Senator Trail, his name was added as sponsor of **Senate Bill No. 1864.**

ENGROSSED BILLS

April 24, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 1, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 24, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 172, 563, 940, 1597, 1744, 1862, 1890 and 1905; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 24, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 313, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 185, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 272 and 1975, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 456, 1175, 1391 and 1408; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 847, 1256, 1503, 1548 and 1550; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 931, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 116, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 274, 275, 276 and 277; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 278, 279, 280, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 300, 305, 307 and 308; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 410, 411, 412, 413, 414, 416, 418, 419 and 421; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 402, 403, 404, 405, 406 and 408; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

April 24, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 34, 35, 36, 37, 38, 39, 40, 41, 42 and 45; and find same correctly enrolled and ready for the signature of the Speaker.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

April 24, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 305, and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

April 25, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 116, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270,

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271, 272, 274, 275, 276, 277, 278, 279, 280, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 300, 307 and 308; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 448, 455, 585, 744, 900, 1248, 1539, 2014, 2036, 2082, 2087 and 2090; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 97, 387, 388, 389, 390, 391, 392, 393, 394, 395, 397, 398, 399 and 400; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 342, 343, 349, 350, 351, 352, 353, 354, 355, 356, 357, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 376, 377, 378, 379, 382, 383, 384, 385 and 386; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

April 24, 2003

The Speaker announced that he had signed the following: Senate Joint Resolution No. 305.

SIGNED

April 24, 2003

The Speaker announced that he had signed the following: Senate Resolutions Nos. 34, 35, 36, 37, 38, 39, 40, 41, 42 and 45; and House Bills Nos. 448, 455, 585, 744, 900, 1248, 1539, 2014, 2036, 2082, 2087 and 2090.

SIGNED

April 24, 2003

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 342, 343, 349, 350, 351, 352, 353, 354, 355, 356, 357, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 376, 377, 378, 379, 382, 383, 384, 385 and 386.

SIGNED

April 24, 2003

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 97, 387, 388, 389, 390, 391, 392, 393, 394, 395, 397, 398, 399 and 400.

SIGNED

April 25, 2003

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 116, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 274, 275, 276, 277, 278, 279, 280, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 300, 307 and 308.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 305, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 189, 195, 461, 508, 603, 740, 941, 950, 1114, 1468, 1581, 1783, 1887 and 1930; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 25, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 116, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 274, 275, 276, 277, 278, 279, 280, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 300, 307 and 308; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 24, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolution No. 305, for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 24, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 526, 708, 840, 1936 and 1980; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 25, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 189, 195, 461, 508, 603, 740, 941, 950, 1114, 1468, 1581, 1783, 1887 and 1930; and Senate Joint Resolutions Nos. 116, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 274, 275, 276, 277, 278, 279, 280, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 300, 307 and 308; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 24, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 523, 614, 991, 1499, 1580, 1740, 1850 and 2004; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 28, 2003: Senate Joint Resolutions Nos. 205, 238, 301, 302, 303, 304, 306, 309 and 311; and Senate Resolutions Nos. 43, 44 and 46.

This the 24th day of April, 2003.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 28, 2003: Senate Bills Nos. 276, 516, 863, 1171, 1503, 1560, 1627, 1754, 1813, 1816, 1817, 1944 and 1950.

This the 24th day of April, 2003.
CROWE, Chairperson.

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**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR**

Pursuant to Rule 26, the following bill has been set on the Consent Calendar for Monday, April 28, 2003: Senate Bill No. 2019.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 28, 2003: Senate Bills Nos. 128, 178, 279, 281, 396, 818, 1023, 1028, 1029, 1288, 1313, 1332, 1387, 1518, 1534, 1636, 1658, 1664, 1721, 1733, 1820, 1848, 1941, 2018 and 1199.

This the 24th day of April, 2003.
CROWE, Chairperson.

**SENATE
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Monday, April 28, 2003: **Senate Bills Nos. 491 and 1978.**

ADJOURNMENT

Senator Person moved the Senate adjourn until 5:00 p.m., Monday, April 28, 2003, which motion prevailed.